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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,534	09/19/2003	Clayton Kittrell	16214.0004	5884
44553	7590	05/07/2009	EXAMINER	
STEPTOE & JOHNSON LLP 1330 Connecticut Avenue NW Washington, DC 20036			SAINT CYR, LEONARD	
ART UNIT	PAPER NUMBER			
2626				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,534	<b>Applicant(s)</b> KITTRELL ET AL.
	<b>Examiner</b> LEONARD SAINT CYR	<b>Art Unit</b> 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 12 February 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09/19/03 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-165/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 02/12/09 have been fully considered but they are not persuasive.

Applicant argues that neither Smithies nor Talmor disclose any voice scripts that include a speakable identifier summarizing the contents of a document (Amendment, pages 6, and 7).

The examiner disagrees, since Talmor discloses "the document together with its **hash digest is dynamically encrypted using the voice signature** password of the present invention. The "hash" is simply a "summary", or "tag" (hereinafter referred to as "hash Digest"), which is generated from a digital document using a mathematical rule or algorithm. **The "signature" is an encrypted digest of the text that is sent with the text message**" (paragraphs 21, 157, and 159).

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithies et al., (US Patent 6,091,835) in view Talmor et al., (US PAP 2003/0135740).

As per claims 1, 11, and 17, Smithies et al., teach a method for facilitating voice signatures, the method comprising:

identifying a document to be signed ("information relating to a document"; col.8, line 18);

creating a speakable identifier of contents of the document; creating a voice script including the speakable identifier ("voice recording the declaration of intention"; col.34, lines 49 – 51; col.35, lines 20 - 35);

using the voice script and the document to be signed to facilitate the creation of a voice signature ("voice or multimedia recordings signature"; col.8, lines 31 - 35; col.7, lines 42 – 50).

However, Smithies et al., do not specifically teach the identifier contains the summary of the contents of the document.

Talmor et al., teach that document together with its hash digest is dynamically encrypted using the voice signature password of the present invention. The "hash" is simply a "summary", or "tag" (hereinafter referred to as "hash Digest"), which is generated from a digital document using a mathematical rule or algorithm. The "signature" is an encrypted digest of the text that is sent with the text message (paragraphs 21, 157, and 159).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an encrypted digest of the text as signature as taught by Talmor et al., in Smithies et al., because that would help enable secure data access and authentication (paragraph 2).

As per claim 2, Smithies et al., in view of Talmor et al., further disclose identifying an electronic record containing one or more details of a transaction (Smithies et al; "statement file"; col.8, lines 30 – 35).

As per claim 3, Smithies et al., in view of Talmor et al., further disclose identifying an electronic record containing a document to be acknowledged (Smithies et al; "presents certain information relating to a document"; col.12, lines 14 – 16; col.8, lines 15 - 18).

As per claims 4, and 18, Smithies et al., in view of Talmor et al., further disclose calculating a cryptographic hash of the document (Talmor et al; "paragraph 157).

As per claims 5, and 19, Smithies et al., in view of Talmor et al., further disclose calculating a checksum of the document (Smithies et al; col.35, line 36).

As per claim 6, Smithies et al., in view of Talmor et al., further disclose calculating a message digest of the document (Talmor et al; paragraph 157).

As per claim 7, Smithies et al., in view of Talmor et al., further disclose creating instructions using the voice script such that the instructions enable a signer to create a voice signature (Smithies et al; "instructions from the client application to determine the types of authentication to be used during any affirmation process"; col.13, lines 7 – 10).

As per claims 8, and 12, Smithies et al., in view of Talmor et al., further disclose forwarding the instructions and the document to the signer (Smithies et al; "presenting a text or aural instruction"; col.8, lines 15 – 20; col.33, lines 39 – 42).

As per claims 9, and 13, Smithies et al., in view of Talmor et al., further disclose that instructions and the document are forwarded to the signer electronically (Smithies et al; "electronic affirmation"; col.7, lines 9 - 15).

As per claims 10, and 14, Smithies et al., in view of Talmor do not specifically teach that hardcopies of the instructions and the document are forwarded to the signer. However, since Smithies et al., disclose that to validate terms or statements, paper documents often contain the signatures of the agreeing parties. A signature on paper can take many different forms. Traditional signatures include handwritten signatures, such as, e.g., the signer's name, written in his or her own hand (col.2, lines 25 – 31). One having ordinary skill in the art at the time the invention was made to forward hardcopies to the signer, because a signature on paper may provide proof of both the identity of the signer and an affirming intent on behalf of the signing party (col.2, lines 32 - 36).

As per claim 15, Smithies et al., in view of Talmor et al., further disclose that recording a user reading the voice script is performed using a microphone (Smithies et al; col.43, line 21).

As per claim 16, Smithies et al., in view of Talmor et al., further disclose recording a user reading the voice script is performed using an interactive voice response system (Smithies et al; "interacting with the appropriate peripheral device so that the signature data may be invoked, used, read, recorded or conformed as appropriate by the computer system"; col.35, lines 25 – 32).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD SAINT CYR whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS  
04/27/09

/Richemond Dorvil/  
Supervisory Patent Examiner, Art Unit 2626